

average fuel economy is required to be submitted under this part.

[47 FR 34986, Aug. 12, 1982, as amended at 75 FR 25728, May 7, 2010]

**§ 537.10 Incorporation by reference.**

(a) A manufacturer may incorporate by reference in a report required by this part any document other than a report, petition, or application, or portion thereof submitted to any Federal department or agency more than two model years before the current model year.

(b) A manufacturer that incorporates by references a document not previously submitted to the National Highway Traffic Safety Administration shall append that document to the report.

(c) A manufacturer that incorporates by reference a document shall clearly identify the document and, in the case of a document previously submitted to the National Highway Traffic Safety Administration, indicate the date on which and the person by whom the document was submitted to this agency.

**§ 537.11 Public inspection of information.**

Except as provided in § 537.12, any person may inspect the information and data submitted by a manufacturer under this part in the docket section of the National Highway Traffic Safety Administration. Any person may obtain copies of the information available for inspection under this section in accordance with the regulations of the Secretary of Transportation in part 7 of this title.

**§ 537.12 Confidential information.**

(a) Information made available under § 537.11 for public inspection does not include information for which confidentiality is requested under § 537.5(c)(7), is granted in accordance with section 505 of the Act and section 552(b) of Title 5 of the United States Code and is not subsequently released under paragraph (c) of this section in accordance with section 505 of the Act.

(b) *Denial of confidential treatment.* When the Administrator denies a manufacturer's request under § 537.5(c)(7) for confidential treatment of information, the Administrator gives the man-

ufacturer written notice of the denial and reasons for it. Public disclosure of the information is not made until after the ten-day period immediately following the giving of the notice.

(c) *Release of confidential information.* After giving written notice to a manufacturer and allowing ten days, when feasible, for the manufacturer to respond, the Administrator may make available for public inspection any information submitted under this part that is relevant to a proceeding under the Act, including information that was granted confidential treatment by the Administrator pursuant to a request by the manufacturer under § 537.5(c)(7).

**PART 538—MANUFACTURING INCENTIVES FOR ALTERNATIVE FUEL VEHICLES**

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AUTHORITY: 49 U.S.C. 32901, 32905, and 32906; delegation of authority at 49 CFR 1.50.

SOURCE: 61 FR 14511, Apr. 2, 1996, unless otherwise noted.

**§ 538.1 Scope.**

This part establishes minimum driving range criteria to aid in identifying passenger automobiles that are dual-fueled automobiles. It also establishes gallon equivalent measurements for gaseous fuels other than natural gas.

[75 FR 25728, May 7, 2010]

**§ 538.2 Purpose.**

The purpose of this part is to specify one of the criteria in 49 U.S.C. chapter 329 "Automobile Fuel Economy" for identifying dual-fueled passenger automobiles that are manufactured in model years 1993 through 2019. The fuel economy of a qualifying vehicle is calculated in a special manner so as to encourage its production as a way of facilitating a manufacturer's compliance

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with the Corporate Average Fuel Economy standards set forth in part 531 of this chapter. The purpose is also to establish gallon equivalent measurements for gaseous fuels other than natural gas.

[75 FR 25728, May 7, 2010]

#### § 538.3 Applicability.

This part applies to manufacturers of automobiles.

#### § 538.4 Definitions.

(a) *Statutory terms.* (1) The terms *alternative fuel*, *alternative fueled automobile*, and *dual fueled automobile*, are used as defined in 49 U.S.C. 32901(a).

(2) The terms *automobile* and *passenger automobile*, are used as defined in 49 U.S.C. 32901(a), and in accordance with the determinations in part 523 of this chapter.

(3) The term *manufacturer* is used as defined in 49 U.S.C. 32901(a)(13), and in accordance with part 529 of this chapter.

(4) The term *model year* is used as defined in 49 U.S.C. 32901(a)(15).

(b)(1) Other terms. The terms *average fuel economy*, *fuel economy*, and *model type* are used as defined in subpart A of 40 CFR part 600.

(2) The term *EPA* means the U.S. Environmental Protection Agency.

#### § 538.5 Minimum driving range.

(a) The minimum driving range that a passenger automobile must have in order to be treated as a dual fueled automobile pursuant to 49 U.S.C. 32901(c) is 200 miles when operating on its nominal useable fuel tank capacity of the alternative fuel, except when the alternative fuel is electricity.

(b) The minimum driving range that a passenger automobile using electricity as an alternative fuel must have in order to be treated as a dual fueled automobile pursuant to 49 U.S.C. 32901(c) is 7.5 miles on its nominal storage capacity of electricity when operated on the EPA urban test cycle and 10.2 miles on its nominal storage capacity of electricity when operated on the EPA highway test cycle.

[61 FR 14511, Apr. 2, 1996, as amended at 63 FR 66068, Dec. 1, 1998]

### 49 CFR Ch. V (10–1–10 Edition)

#### § 538.6 Measurement of driving range.

The driving range of a passenger automobile model type not using electricity as an alternative fuel is determined by multiplying the combined EPA urban/highway fuel economy rating when operating on the alternative fuel, by the nominal usable fuel tank capacity (in gallons), of the fuel tank containing the alternative fuel. The combined EPA urban/highway fuel economy rating is the value determined by the procedures established by the Administrator of the EPA under 49 U.S.C. 32904 and set forth in 40 CFR part 600. The driving range of a passenger automobile model type using electricity as an alternative fuel is determined by operating the vehicle in the electric-only mode of operation through the EPA urban cycle on its nominal storage capacity of electricity and the EPA highway cycle on its nominal storage capacity of electricity. Passenger automobile types using electricity as an alternative fuel that have completed the EPA urban cycle after recharging and the EPA highway cycle after recharging shall be deemed to have met the minimum range requirement.

[63 FR 66069, Dec. 1, 1998]

#### § 538.7 Petitions for reduction of minimum driving range.

(a) A manufacturer of a model type of passenger automobile capable of operating on both electricity and either gasoline or diesel fuel may petition for a reduced minimum driving range for that model type in accordance with paragraphs (b) and (c) of this section.

(b) Each petition shall:

(1) Be addressed to: Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590.

(2) Be submitted not later than the beginning of the first model year in which the petitioner seeks to have the model type treated as an electric dual fueled automobile.

(3) Be written in the English language.

(4) State the full name, address, and title of the official responsible for preparing the petition, and the name and address of the petitioner.

(5) Set forth in full data, views, and arguments of the petitioner, including the information and data specified in paragraph (c) of this section, and the calculations and analyses used to develop that information and data. No documents may be incorporated by reference in a petition unless the documents are submitted with the petition.

(6) Specify and segregate any part of the information and data submitted under this section that the petitioner wishes to have withheld from public disclosure in accordance with part 512 of this chapter.

(c) Each petitioner shall include the following information in its petition:

(1) Identification of the model type or types for which a lower driving range is sought under this section.

(2) For each model type identified in accordance with paragraph (c)(1) of this section:

(i) The driving range sought for that model type.

(ii) The number of years for which that driving range is sought.

(iii) A description of the model type, including car line designation, engine displacement and type, electric storage capacity, transmission type, and average fuel economy when operating on:

(A) Electricity; and

(B) Gasoline or diesel fuel.

(iv) An explanation of why the petitioner cannot modify the model type so as to meet the generally applicable minimum range, including the steps taken by the petitioner to improve the minimum range of the vehicle, as well as additional steps that are technologically feasible, but have not been taken. The costs to the petitioner of taking these additional steps shall be included.

(3) A discussion of why granting the petition would be consistent with the following factors:

(i) The purposes of 49 U.S.C. chapter 329, including encouraging the development and widespread use of electricity as a transportation fuel by consumers, and the production of passenger automobiles capable of being operated on both electricity and gasoline/diesel fuel;

(ii) Consumer acceptability;

(iii) Economic practicability;

(iv) Technology;

(v) Environmental impact;

(vi) Safety;

(vii) Driveability; and

(viii) Performance.

(d) If a petition is found not to contain the information required by this section, the petitioner is informed about the areas of insufficiency and advised that the petition will not receive further consideration until the required information is received.

(e) The Administrator may request the petitioner to provide information in addition to that required by this section.

(f) The Administrator publishes in the FEDERAL REGISTER a notice of receipt for each petition containing the information required by this section. Any interested person may submit written comments regarding the petition.

(g) In reaching a determination on a petition submitted under this section, the Administrator takes into account:

(1) The purposes of 49 U.S.C. chapter 329, including encouraging the development and widespread use of alternative fuels as transportation fuels by consumers, and the production of alternative fuel powered motor vehicles;

(2) Consumer acceptability;

(3) Economic practicability;

(4) Technology;

(5) Environmental impact;

(6) Safety;

(7) Driveability; and

(8) Performance.

(h) If the Administrator grants the petition, the petitioner is notified in writing, specifying the reduced minimum driving range, and specifying the model years for which the reduced driving range applies. The Administrator also publishes a notice of the grant of the petition in the FEDERAL REGISTER and the reasons for the grant.

(i) If the Administrator denies the petition, the petitioner is notified in writing. The Administrator also publishes a notice of the denial of the petition in the FEDERAL REGISTER and the reasons for the denial.

[63 FR 66069, Dec. 1, 1998, as amended at 75 FR 25728, May 7, 2010]

## § 538.8

### § 538.8 Gallon Equivalents for Gaseous Fuels.

The gallon equivalent of gaseous fuels, for purposes of calculations made under 49 U.S.C. 32905, are listed in Table I:

TABLE I—GALLON EQUIVALENT MEASUREMENTS FOR GASEOUS FUELS PER 100 STANDARD CUBIC FEET

Fuel	Gallon equivalent measurement
Compressed Natural Gas .....	0.823
Liquefied Natural Gas .....	0.823
Liquefied Petroleum Gas (Grade HD-5)*	0.726
Hydrogen .....	0.259
Hythane (Hy5) .....	0.741

\* Per gallon unit of measure.

### § 538.9 Dual fuel vehicle incentive.

The application of 49 U.S.C. 32905(b) and (d) to qualifying dual fuel vehicles is extended to the 2005, 2006, 2007, and 2008 model years.

[69 FR 7703, Feb. 19, 2004]

## PART 541—FEDERAL MOTOR VEHICLE THEFT PREVENTION STANDARD

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541.5 Requirements for passenger motor vehicles.

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APPENDIX A TO PART 541—LIGHT DUTY TRUCK LINES SUBJECT TO THE REQUIREMENTS OF THIS STANDARD

APPENDIX A-I TO PART 541—LINES WITH ANTITHEFT DEVICES WHICH ARE EXEMPTED FROM THE PARTS-MARKING REQUIREMENTS OF THIS STANDARD PURSUANT TO 49 CFR PART 543

APPENDIX A-II TO PART 541—LINES WITH ANTITHEFT DEVICES WHICH ARE EXEMPTED IN-PART FROM THE PARTS-MARKING REQUIREMENTS OF THIS STANDARD PURSUANT TO 49 CFR PART 543

APPENDIX B TO PART 541—LIGHT DUTY TRUCK LINES WITH THEFT RATES BELOW THE 1990/91 MEDIAN THEFT RATE, SUBJECT TO THE REQUIREMENTS OF THIS STANDARD

APPENDIX C TO PART 541—APPENDIX C TO PART 541—CRITERIA FOR SELECTING LIGHT DUTY TRUCK LINES LIKELY TO HAVE HIGH THEFT RATES

AUTHORITY: 49 U.S.C. 33101, 33102, 33103, 33105; delegation of authority at 49 CFR 1.50.

## 49 CFR Ch. V (10–1–10 Edition)

SOURCE: 50 FR 43190, Oct. 24, 1985, unless otherwise noted.

### § 541.1 Scope.

This standard specifies performance requirements for identifying numbers or symbols to be placed on major parts of certain passenger motor vehicles.

### § 541.2 Purpose.

The purpose of this standard is to reduce the incidence of motor vehicle thefts by facilitating the tracing and recovery of parts from stolen vehicles.

### § 541.3 Application.

(a) Except as provided in paragraph (b) and (c) of this section, this standard applies to the following:

(1) Passenger motor vehicle parts identified in § 541.5(a) that are present in:

- (i) Passenger cars; and
- (ii) Multipurpose passenger vehicles with a gross vehicle weight rating of 6,000 pounds or less; and
- (iii) Light-duty trucks with a gross vehicle weight rating of 6,000 pounds or less, that NHTSA has determined to be high theft in accordance with 49 CFR 542.1; and

(iv) Light duty trucks with a gross vehicle weight rating of 6,000 pounds or less, that NHTSA has determined to be subject to the requirements of this section in accordance with 49 CFR 542.2.

(2) Replacement passenger motor vehicle parts identified in § 541.5(a) for vehicles listed in paragraphs (1)(i) to (iv) of this section.

(b) *Exclusions.* This standard does not apply to the following:

(1) Passenger motor vehicle parts identified in § 541.5(a) that are present in vehicles manufactured by a motor vehicle manufacturer that manufactures fewer than 5,000 vehicles for sale in the United States each year.

(2) Passenger motor vehicle parts identified in § 541.5(a) that are present in a line with an annual production of not more than 3,500 vehicles.

(3) Passenger motor vehicle parts identified in § 541.5(a) that are present in light-duty trucks with a gross vehicle weight rating of 6,000 pounds or less, that NHTSA has determined to be subject to the requirements of this section in accordance with 49 CFR 542.2, if